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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,171	02/26/2004	Robert Frost	029082.53185US	9141
23911	7590	08/27/2008	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			JOYNER, KEVIN	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	
			08/27/2008	DELIVERY MODE
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Mailed: 8/27/08

In re application of
Robert Frost
Serial No. 10/786,171
Filed: February 26, 2004
For: PROCESS FOR OPERATING A PACKAGING
TRANSPORT SYSTEM

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. §1.181(PETITION TO RESET PERIOD FOR REPLY DUE NON-RECEIPT OF NOTICE OF NON-COMPLIANT AMENDMENT) filed July 11, 2008. The petition requests that the period to reset period of response be granted, since the applicant did not receive the Notice of Non-Compliant Amendment mailed December 05, 2007. As the period for reply has elapsed past the statutory six month period. The instant petition is being treating as a petition to withdraw abandonment under 37 C.F.R. § 1.181.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, MPEP 711.03(c), - sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Notice of Non-Compliant Amendment mailed December 05, 2007. Despite the evidence provided by applicant in the form of Declaration of Ms. Tanya Che and accompanying exhibit of the attorney's application docket records ; does not includes a statement by the petitioner that the Notice of Non-Compliant Amendment mailed December 05, 2007 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Non-Compliant Amendment mailed December 05, 2007 was not received as required under MPEP 711.03(c) .

Thus, the application remains in abandoned status.

The Petition is DENIED.

/JACQUELINE STONE/

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